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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,931	02/14/2002	Bharat Tarachand Doshi	Doshi 52-2-17-18-1-1	5324

7590 03/19/2004

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EXAMINER

LESTER, EVELYN A

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,931

Applicant(s)

DOSHI ET AL.

Examiner

Evelyn A. Lester

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-13-02; 9-25-02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Specification

2. The use of the trademark WAVESTAR LAMBDA has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner that might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-6, 9-11, 14 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fee et al (U.S. patent 5,726,788).

Fee et al disclose the claimed invention of a connection device or router comprising one or more processing units (f1-f7) and an optical switch (308) adapted to

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connect at least one of the units to one or more optical signals based on a characteristic of each signal.

With respect to claims 4, 5, 9, 11 and 14, please note Figures 3 and 7, and their accompanying text, especially at column 4, line 46 to column 5, line 10, as well as column 5, line 64 to column 6, line 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fee et al (U.S. patent 5,726,788) in view of Wong et al (U.S. patent 6,624,927 B1).

Fee et al disclose the claimed invention as described above, except for explicitly including various specific processing units, such as a Raman pump. However, Fee et al does teach the use of an amplifier and/or pump insertion processing units, as part of necessary signal processing functions. Wong et al teaches that it is well known to utilize a Raman pump for the purpose of amplifying optical signals in an optical communications network. Therefore, it would have been well known to one of ordinary skill in the art to utilize the well known Raman pump of Wong et al for the purpose of amplifying optical signals and/or pump insertion, thereby providing necessary signal

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processing functions as taught by Fee et al. Please especially note Fee et al at column 2, line 33 to column 3, line 16; as well as column 4, line 40 to column 5, line 10.

5. Claims 3, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fee et al (U.S. patent 5,726,788) in view of Sharma et al (6,331,906 B1).

Fee et al disclose the claimed invention as described above, except for explicitly including various specific processing units, such as an optical-electrical-optical regenerator. However, Fee et al does teach the use of a modulation reshaper and the need for regenerating process operation, as part of necessary signal processing functions. Sharma et al teaches that it is well known to utilize an optical-electrical-optical regenerator for the purpose of reshaping optical signals in an optical communications network. Therefore, it would have been well known to one of ordinary skill in the art to utilize the well known optical-electrical-optical regenerator of Sharma et al for the purpose of reshaping optical signals, thereby providing necessary signal processing functions as taught by Fee et al. Please especially note Fee et al at column 2, line 33 to column 3, line 16; as well as column 4, line 40 to column 5, line 10.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn A. Lester whose telephone number is (571) 272-2332. The examiner can normally be reached on M- F, from about 10 am to 7 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Evelyn A. Lester
Primary Examiner
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